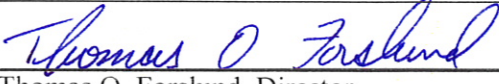


Thomas O. Forslund, Director

Governor Matthew H. Mead

Policy Title:	E-mail, Facsimile, and Printer/Copier/Scanner Machines	
Policy Number:	AS-010	
Effective Date:	July 1, 2013	
Approval:	 Thomas O. Forslund, Director	<u>4/18/13</u> Date

Purpose:

This policy establishes Wyoming Department of Health's (WDH) responsibility to securely transmit and to maintain the privacy of its clients' protected health information when transmitting such information via e-mail or facsimile, or reproducing such information via printer/copier/scanner.

Scope:

This policy applies to all WDH workforce.

Definition(s):

Workforce means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for a covered entity, is under the direct control of such entity, whether or not they are paid by the covered entity.

Policy:**1. E-mail**

- a. To avoid unintentional disclosures, WDH workforce shall take certain precautions when using e-mail to communicate with its clients or to transmit its clients' protected health information (PHI).
 - i. All e-mails sent within the Wyoming State Government network (i.e., to recipient addresses that end with "@wyo.gov") are considered secure. All e-mails containing PHI that are sent to recipients outside of the Wyoming State Government network (i.e., to recipient addresses that do not end with "@wyo.gov") shall be secured by placing [gsecure] at the beginning of the subject line of the e-mail.
 - ii. WDH workforce shall check the recipient e-mail for accuracy before sending an e-mail.
 - iii. WDH workforce shall conform to the minimum necessary principle when disclosing client information via e-mail.
 - iv. WDH shall honor its clients' preferences regarding e-mail communications. For example, if a WDH client requests receipt of notices via e-mail, and e-mail is a reasonable alternative for WDH to provide such notices, then WDH shall comply with such preference. However, if a WDH client prefers not to receive notices via e-mail, WDH shall offer and accommodate other reasonable communication alternatives (e.g., telephone or mail).

- A. If a WDH client initiates communication with WDH using e-mail, then WDH can assume that e-mail communications are acceptable to the client, unless the client explicitly indicates otherwise. However, if WDH is concerned that a client lacks understanding of the risks associated with e-mail transmissions, then WDH can explain such risks and afford the client an opportunity to decide whether to continue communication via e-mail.
- b. If a WDH workforce member sends an e-mail containing PHI to an unintended recipient, such workforce member shall immediately notify the WDH Compliance Office or designee so that the WDH Compliance Office can mitigate appropriately.

2. Facsimile

- a. To avoid unintentional disclosures, WDH workforce shall take certain precautions when using facsimile (fax) to transmit its clients' PHI.
 - i. WDH workforce shall check the recipient fax number for accuracy before sending a fax.
 - ii. WDH workforce shall conform to the minimum necessary principle when disclosing client information via fax.
 - iii. WDH workforce shall ensure that appropriate forms (i.e., F-005, Access to Records Request; F-005a, Access to Immunization Records Request; and/or F-011, Use or Disclosure Authorization) are received before it transmits clients' PHI via fax.
 - iv. WDH workforce shall utilize a WDH fax cover sheet when sending a fax. Such cover sheet shall include a confidentiality statement.
 - v. WDH workforce shall make reasonable efforts to immediately retrieve any received faxes containing PHI or other confidential information. If immediate retrieval is not possible, then the received fax shall remain face down (especially if the fax machine is in a public area) until it is retrieved.
 - vi. WDH workforce members shall not leave fax machines that are located in public areas (e.g., lobby or reception areas) unattended during business hours.
- b. If a WDH workforce member sends a fax containing PHI to an unintended recipient, such workforce member shall immediately notify the WDH Compliance Office or designee so that the WDH Compliance Office can mitigate appropriately.

3. Printer/Copier/Scanner Machines

- a. To avoid unintentional disclosures, WDH workforce shall take certain precautions when using printer/copier/scanner machines (PCS) to reproduce its clients' PHI.
 - i. WDH workforce shall utilize their print code when printing PHI. Such precaution ensures workforce is present at the PCS for immediate retrieval when their materials are printed.
 - ii. WDH workforce shall not leave PHI on PCS.
 - iii. WDH workforce shall secure any PHI that is left unattended on PCS or in the immediate vicinity.

Contacts:

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Policies:

AS-001; General Privacy
AS-002; Client Privacy Rights
AS-003; Use and Disclosure
AS-004; Minimum Necessary
AS-008 and S-001b; Enforcement, Sanctions, and Penalties for Privacy and Security Violations

References:

45 CFR § 160.103
45 CFR § 164.306
45 CFR § 164.308
45 CFR § 164.312(e)(1)
45 CFR § 164.530(c)

Training: